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BEFORE THE  
  
ILLINOIS COMMERCE COMMISSION  
  
IN THE MATTER OF: )  
 ) No. 15-0367  
LEONARD S. CLAYTON )  
 )  
-vs- )  
 )  
COMMONWEALTH EDISON COMPANY )  
 )  
Complaint as to billing/charges )  
in Chicago, Illinois )

Chicago, Illinois  
  
July 23, 2015

Met, pursuant to adjournment, at  
  
2 o'clock p.m.

BEFORE:  
  
MS. LESLIE HAYNES and  
MS. JESSICA CARDONI,  
Administrative Law Judges

APPEARANCES:  
  
MR. LEONARD CLAYTON  
3418 West Grenshaw  
1st Floor  
Chicago, Illinois  
appearing pro se;

1 APPEARANCES (continued):

2 MR. MARK L. GOLDSTEIN  
3 3019 Province Circle  
4 Mundelein, Illinois  
5 appearing for Commonwealth  
6 Edison Company

7 MS. REBECCA GRAHAM  
8 115 South La Salle Street  
9 Chicago, Illinois  
10 appearing for Commonwealth  
11 Edison Company

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SULLIVAN REPORTING COMPANY, by  
PATRICIA WESLEY  
LICENSE NO. 084-002170

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1 JUDGE HAYNES: Let's go on the record. Pursuant  
2 to the direction of the Illinois Commerce  
3 Commission, I call Docket No. 15-0367. This is the  
4 complaint of Leonard Clayton vs. Commonwealth Edison  
5 Company.

6 May I have your name and address for  
7 the record, please

8 MR. CLAYTON: Leonard Clayton, 3418 West  
9 Grenshaw, 1st Floor, Chicago, Illinois, 60624. I  
10 own the building.

11 JUDGE HAYNES: Thank you.

12 MR. GOLDSTEIN: And for Commonwealth Edison  
13 Company, Mark L. Goldstein, 3019 Province Circle,  
14 Mundelein, Illinois, 60060. My telephone number is  
15 847-949-1340.

16 MS. GRAHAM: Rebecca Graham, 115 South La Salle  
17 Street, Suite 2600, Chicago, Illinois, 60603. My  
18 telephone number is 312-505-8154.

19 JUDGE HAYNES: Thank you.

20 Last time we were together, we left  
21 and Com Ed was going to gather some more  
22 information. I was wondering if the company could

1 bring us up to date on what has happened.

2 MS. GRAHAM: Yes. So we have done some  
3 investigating and the information that I have,  
4 though limited, in the time we met was essentially  
5 correct in terms of the first unit at the premises  
6 not having any connection from our records to the  
7 second unit or the third unit, and you had asked me  
8 to pull the meter records just for you to see on the  
9 second and third floors.

10 MR. CLAYTON: There's no third floor.

11 MS. GRAHAM: Well, there's a different meter.

12 MR. CLAYTON: There's a basement.

13 MS. GRAHAM: The basement. Excuse me.

14 MR. CLAYTON: That's what I had disconnected.

15 MS. GRAHAM: Excuse me. So the basement unit.

16 MR. CLAYTON: I'll be nice.

17 MS. GRAHAM: The other two units of the premises  
18 have not had any activity on the meters in the last  
19 three years as you can see from those records.

20 MR. CLAYTON: Up until December 13 of 2014 -- 13  
21 or 14, that's when they came and turned off the  
22 electric for the second floor.

1           MS. GRAHAM: Well, in any event, Mr. Clayton,  
2   ComEd records don't show any relationship between  
3   your account and either these other two accounts in  
4   terms of, you know, balances going on to your  
5   account in terms of foreign load, mixed meters.  
6   There's no connection.

7                       So, you know, when we are looking at  
8   your records, they are just for Unit 1, so all of  
9   the things that you were saying last time about your  
10   niece on the second floor and her using electricity  
11   and somehow you are being billed for it, our records  
12   don't reflect that.

13          MR. CLAYTON: Can I ask you a question? Why  
14   isn't the guy who was my meter reader not here?

15          JUDGE HAYNES: Did you find the meter reader?

16          MS. GRAHAM: Yes. He's an active employee. The  
17   person that you named is an active employee with the  
18   company. We also looked into the fax numbers that  
19   you provided. One appears to be a misdial that  
20   maybe you were trying 800-Edison-1 but it was one  
21   number off.

22          MR. CLAYTON: Could you point out which one?

1 MS. GRAHAM: Which what? Fax number?

2 MR. CLAYTON: Right, that you were speaking of.

3 MS. GRAHAM: The 800-1.

4 MR. CLAYTON: Could I see it? Because I gave you  
5 copies.

6 MS. GRAHAM: All I could do was to look to see  
7 what the fax numbers were, too. What I'm trying to  
8 tell you is the number you gave me, the 800 fax  
9 number that you gave me, appears to be the  
10 800-Edison-1, but it was one number off, so maybe  
11 that's why your fax didn't go through. The other  
12 number, the 630 number you provided, does go to the  
13 customer call center, but they don't have any record  
14 of the fax that you sent.

15 MR. CLAYTON: I sent three faxes. I sent three  
16 faxes, and my niece sent one to try to get it in her  
17 daughter's name, I told you the one that has autism  
18 that cannot speak, cannot do anything for herself,  
19 and that was the evidence that I showed you from  
20 Mahogany Clayton for Inez Clayton trying to get  
21 Mahogany Clayton hooked up on electric when she  
22 expected them to come and turn on the electricity

1     which she thought she was slick enough to do.  They  
2     came to finally turn off the electricity on the  
3     second floor, and that was on December 13th or -- I  
4     think it was the 13th, if I'm not wrong, of 2014.

5           JUDGE HAYNES:  Okay.  I'm sorry.  Before we go  
6     any further, I don't know which floor is what here.  
7     Which account number is closed?

8           MS. GRAHAM:  Can I actually look -- hold on.  I'm  
9     sorry.  I should have written that down.  I have to  
10    double check, but I think this is the second floor  
11    and this is the basement, but I'll have to double  
12    check that.

13          JUDGE HAYNES:  And then Mr. Clayton.

14          MS. GRAHAM:  And this is Mr. Clayton's.

15          MR. CLAYTON:  How far back in years did you go on  
16    the basement?

17          MS. GRAHAM:  We can only pull for two years, so  
18    that's what I have is everything that's in our  
19    system.

20          JUDGE HAYNES:  The basement goes back to '09 it  
21    looks like.

22          MR. CLAYTON:  Well then if it does go back to

1 '09, you should start reading a rise from around \$31  
2 to around 300 and something. If it goes back to  
3 '09, it should show it in there.

4 JUDGE HAYNES: But yours is the first floor.

5 MR. CLAYTON: Mine is the first floor and the  
6 basement. At first I suspected that she had it tied  
7 into the basement, so I just had -- I just let it go  
8 and disconnected it. The next thing she did was  
9 turn on the electric on the second floor. You could  
10 see from the jump in the price from \$31 the only  
11 thing was used was for to wash clothes and then it  
12 jumped to 300 something. First thing I said to  
13 myself this has got to be wrong, so I didn't even  
14 think about it.

15 MR. GOLDSTEIN: There's no transfer from any  
16 other account.

17 MR. CLAYTON: Did you not transfer the basement  
18 to the first floor bill?

19 MS. GRAHAM: Not from none of the niece's --

20 JUDGE HAYNES: So your lines here, GS TOT  
21 kilowatt pass the meter read and then GS TOT  
22 kilowatt is the difference --



1 MS. GRAHAM: The usage, that's correct.

2 MR. CLAYTON: And the last time I was here you

3 said that you couldn't give me that information

4 about who had the electric on the second floor. You

5 said that you could only give it to her. Did you

6 give her that information?

7 MS. GRAHAM: That's what I just provided.

8 MR. CLAYTON: In whose name it was in?

9 MS. GRAHAM: I pulled the meter records

10 because --

11 MR. CLAYTON: In whose name was it in?

12 MS. GRAHAM: Regardless of whose name it is in, I

13 can't give that information to you, sir.

14 MR. CLAYTON: Okay. All right. Well, you

15 know --

16 JUDGE HAYNES: The second floor, you can't?

17 MR. CLAYTON: -- it wasn't in Leonard Clayton's.

18 MS. GRAHAM: So the second floor is the one that

19 ends in 73079, and the basement ends in --

20 JUDGE CARDONI: 4003.

21 MS. GRAHAM: Yes, that's right.

22 And I couldn't pull the activity

1 statement from either of those because there's  
2 consumption on inactive meter. There's no activity  
3 statement, because there's no one being billed.  
4 Does that make sense? So for the basement unit and  
5 the unit one, there's no activity statement  
6 available.

7 JUDGE HAYNES: So the second floor what you are  
8 saying is that there is registered usage on it but  
9 you didn't have a customer of record?

10 MS. GRAHAM: No. So -- and maybe Mark can  
11 clarify this, but you see where it says consumption  
12 on inactive meter --

13 JUDGE HAYNES: Yes.

14 MS. GRAHAM: -- this means that there's been no  
15 usage at all going back to when this started which  
16 is 2009. It's inactive, inactive, inactive, so no  
17 one is being billed for this. There is a customer  
18 that's tied to this account number, but it's not  
19 really the customer of record in a way. It just  
20 sits there as a designation in the system because  
21 there has to be an account number to go with it.  
22 Does that make sense?

1           MR. CLAYTON:   No.

2           MS. GRAHAM:   So it's not that that customer is  
3           still living there necessarily.  It's just that this  
4           has to be populated with something, so it's always  
5           the most recent customer.

6           JUDGE CARDONI:  So when it starts -- when it says  
7           zero for total kilowatt --

8           MR. GOLDSTEIN:  There is no usage.

9           JUDGE CARDONI:  But there is usage here.

10          MS. GRAHAM:  Sometimes -- so it does this  
11          sometimes, and I honestly can't explain that very  
12          well.  It's been explained to me before, but  
13          it's not -- it's still no usage because you still  
14          see inactive and you still see consumption on  
15          inactive meter.

16          JUDGE CARDONI:  There's no usage here in 2012.

17          MS. GRAHAM:  Exactly.  There's not been any usage  
18          since this started.

19          JUDGE HAYNES:  But it looks like some in the  
20          beginning.

21          MS. GRAHAM:  That's not actual usage.  These are  
22          some sort of -- because it's still -- well, let me

1     see these numbers.

2           MR. CLAYTON:  I told you.

3           JUDGE CARDONI:  Mr. Clayton, when did your niece  
4     move out from the second floor?

5           MR. CLAYTON:  I believe it was -- she moved out  
6     from the second floor.  They disconnected her  
7     electricity on December, I believe, the 13th, I  
8     think it was, 2014, and the reason that her electric  
9     bill would be higher than mine because I have gas  
10    heat in the basement and I put an electric unit  
11    upstairs for her.

12          MS. GRAHAM:  I can explain that actually.  
13    Sometimes --

14          MR. CLAYTON:  Somebody will believe me sooner or  
15    later.

16          MS. GRAHAM:  -- there's various reasons why that  
17    sometimes happens when you are looking on there.  
18    Sometimes it's the case like one very clear example  
19    is when someone moves into a rental unit and they  
20    don't transfer the name into their account -- they  
21    don't put the account in their name, so they're  
22    still using electricity and it's registering on the

1 meter but they're not being billed properly for it  
2 yet. So I can't explain exactly what the scenario  
3 was under which there was consumption on inactive  
4 meter but sometimes it is the case that someone's  
5 not being billed even though they're using  
6 electricity.

7 JUDGE CARDONI: But this to you says nobody's  
8 there and nobody's using any --

9 MS. GRAHAM: As of at least this date here.

10 JUDGE CARDONI: 2011.

11 MS. GRAHAM: Because you see that it's not moving  
12 at all. You see how that's the same?

13 JUDGE HAYNES: Okay.

14 MR. CLAYTON: Which floor? Which floor it's not  
15 moving?

16 JUDGE HAYNES: It's the second floor, no usage on  
17 the second floor. I think what he's saying is that  
18 she's gone from the second floor and the electricity  
19 was being put on his first floor account.

20 MR. CLAYTON: That's right. That's what the  
21 meter reader told me, and I told them to come turn  
22 off her electric. I wrote letters. They didn't

1       come.

2           JUDGE HAYNES:   So my question -- I see here on

3       Mr. Clayton's account that he had a -- it seems to

4       be re-billed, cancelled re-bill, because there were

5       so many estimates in a row.   Am I wrong here?   Is

6       that why all of a sudden in June of 15 there's a

7       huge amount of usage?

8           MS. GRAHAM:   You said June of 2015?

9           JUDGE HAYNES:   Right.

10          MS. GRAHAM:   I'll look.

11          MR. CLAYTON:   Couldn't have been.   I even turned

12       on the air conditioner.

13          MS. GRAHAM:   Yes.   There was a cancelled re-bill

14       that started on it looks like May.

15          JUDGE HAYNES:   The last reading.

16          MR. CLAYTON:   Because I haven't gotten a bill in

17       the last 2 1/2 to 3 months, so they sent me no bill

18       and then before that he didn't read the bill until I

19       believe it was March or April.

20          MS. GRAHAM:   Cancel and re-billed.

21          MR. CLAYTON:   I'm telling you the truth.

22          MR. GOLDSTEIN:   How much is that?

1           MS. GRAHAM:  Yes.  It does look like there was a  
2   re-bill in June of 2015.

3           MR. CLAYTON:  I found one here.  I was looking  
4   through the bills today.  I found one bill that was  
5   like two months apart or something and it had a  
6   difference of like 3,000 or \$4,000 and they are here  
7   if anybody wants to see them --

8           MS. GRAHAM:  Sure.

9           MR. CLAYTON:  -- and that was last year, towards  
10   the end of last year.  One says 13 and one says 16.

11          MR. GOLDSTEIN:  And that's January 15th.

12          JUDGE HAYNES:  Do you have electric heat?

13          MR. CLAYTON:  Upstairs.  I have gas heat  
14   downstairs.  That's why I say the basement I was  
15   only paying on average of about less than \$40 a  
16   month, and then they sent me a bill for 300.  If you  
17   got those notes correct, whenever it started saying  
18   300 and something, that's when it started happening.

19          MR. GOLDSTEIN:  North American Power & Gas is  
20   that your electric supplier?

21          MR. CLAYTON:  No, Commonwealth Edison.  I've had  
22   Commonwealth Edison since 1971 when I got out of the

1 war.

2 MS. GRAHAM: North American Power & Gas provides  
3 your energy.

4 MR. CLAYTON: That ain't me. I have never  
5 subscribed for that. That is not me.

6 MR. GOLDSTEIN: You have been subscribing to it  
7 since.

8 MR. CLAYTON: I never signed up, see what I'm  
9 saying. I knew it was some mess in it somewhere.

10 MS. GRAHAM: Well, you are in Chicago. It could  
11 be that --

12 MR. CLAYTON: I've never changed.

13 MS. GRAHAM: It could be because the city -- the  
14 city bargained to put everybody on a different  
15 supplier, and then you had --

16 MR. CLAYTON: Look at this bill. Look at this  
17 bill. You have one bill. Look at this bill and  
18 that bill. There is a \$3,000 difference.

19 JUDGE CARDONI: That's Integrys.

20 MR. CLAYTON: About two months apart or a month  
21 apart.

22 MS. GRAHAM: I don't remember who it is.



1           MR. CLAYTON:   See what I am saying.

2           MS. GRAHAM:   All our records show that you are

3           getting your supply from North American Power.

4           MR. CLAYTON:   I never signed up for anybody else

5           other than ComEd.

6           JUDGE HAYNES:   So you said your niece moved out

7           of the second floor on December 14th.

8           MR. CLAYTON:   The 14th, December 23, 2013.

9           JUDGE HAYNES:   Oh, 2013.

10          MR. CLAYTON:   Between 13 or the 23rd.   It's a

11          three in there or something.   I'm good with numbers.

12          JUDGE HAYNES:   Okay.   But December like eight

13          months ago?

14          MR. CLAYTON:   Right.

15          JUDGE HAYNES:   Eight months ago?

16          MR. CLAYTON:   Finally got her out of there.

17          After her husband died, everything went haywire.   He

18          would take care of his business.

19          JUDGE HAYNES:   So I'm looking at January of 14

20          and January of --

21          MR. CLAYTON:   She was still there.

22          JUDGE HAYNES:   -- 15.

1                   So comparing like your two Januaries,  
2   they're not that different.

3       MR. CLAYTON:   And remember that's the cold season  
4   and they were running an electric heater.  They run  
5   electric, not gas.  Gas is cheaper.

6       JUDGE HAYNES:   But what I'm saying --

7       MR. CLAYTON:   Pertains to ComEd with the  
8   electric.  I've been trying this case ever since I  
9   sent the first letter.

10                   And the guy told me, he said,  
11   Mr. Clayton, every time -- he was more on time than  
12   anyone else.  He came every month and read that  
13   meter.  That's why I got his ID number, his name,  
14   his phone number.  He said they're charging you for  
15   the whole building.  I say tell them I've written  
16   them.  Tell them that my niece is stealing your  
17   electric.  He said, I told them, got no response  
18   still even after I wrote those letters.

19       JUDGE HAYNES:   So I had in me notes the last time  
20   that you were going to look to see if there was any  
21   record of that in the meter reader records.  Did  
22   you?

1 MS. GRAHAM: The record of what?

2 JUDGE HAYNES: Conversation.

3 MR. CLAYTON: From the time I first complained up  
4 until now. Well, not until now, maybe about a year  
5 ago, because they took him off of there, and I told  
6 you he got promoted.

7 MS. GRAHAM: So, I mean, I know that the meter  
8 reader that you gave the name and the employee  
9 number, he is an active employee. I haven't had the  
10 opportunity to speak with him directly, but there's  
11 no notes, or comments, or anything on his account  
12 that leads us to believe that he was ever charged  
13 for his niece's account. There's just nothing.

14 JUDGE HAYNES: Have you provided all of those  
15 records?

16 MS. GRAHAM: To Mr. Clayton?

17 JUDGE HAYNES: To Mr. Clayton.

18 MS. GRAHAM: No, but I would be happy to give  
19 you --

20 MR. CLAYTON: Absolutely.

21 MS. GRAHAM: -- your account activity.

22 MR. CLAYTON: I'll go through it thoroughly.

1 MS. GRAHAM: You want me to provide --

2 JUDGE HAYNES: I'm not talking about this. I'm

3 talking about within the company system if a meter

4 reader goes out to a house or somebody goes and

5 there are screen shots if something goes in the

6 system.

7 MS. GRAHAM: There will be -- if the meter reader

8 goes out to exchange a meter, for example, then they

9 will use their hand-held device and put in a note

10 but just a meter reader going out and reading

11 there's not going to be a comment.

12 MR. GOLDSTEIN: He read them and write them down.

13 JUDGE HAYNES: Have you checked if there's any --

14 MS. GRAHAM: I'll send you all of the comments on

15 your account if you would like. I can do that.

16 I will tell you that customer service

17 did confirm that any debt that belonged to your

18 niece or whoever that was on the second floor none

19 of that dollar amount was transferred in any way to

20 your account or put on there.

21 MR. CLAYTON: Let me ask you a question. In my

22 earlier letters written to Commonwealth Edison, I

1 told you that she had moved and where she had moved  
2 to and told you that she was still using another one  
3 of her daughter's name to get an account, because  
4 she had all her ID and charged it to her name at  
5 that address. Have you all ever checked that out?

6 JUDGE HAYNES: That's not really relevant to your  
7 complaint here.

8 MR. CLAYTON: What I'm saying she did it again.

9 JUDGE HAYNES: We are going to stick to your  
10 account here. Okay.

11 MR. CLAYTON: Okay. Well, you know --

12 JUDGE HAYNES: I think that all I see is that  
13 you think your niece has stolen electric --

14 MR. CLAYTON: I know she has.

15 JUDGE HAYNES: -- and I think that we need to go  
16 to an evidentiary hearing --

17 MR. CLAYTON: Okay.

18 JUDGE HAYNES: -- and at that time you need to  
19 bring any proof you have of that.

20 MR. CLAYTON: That would be fine. Which is her  
21 daughter.

22 JUDGE HAYNES: And bring her in and we'll swear

1 her in and we'll hear her testimony.

2 MR. CLAYTON: That will be fine with me.

3 JUDGE HAYNES: And if you have any paperwork to  
4 support it, bring in three copies of all your  
5 paperwork.

6 ComEd, if you have anything else of  
7 Mr. Clayton's records, make sure to provide that to  
8 him.

9 MR. GOLDSTEIN: Customer contacts.

10 JUDGE HAYNES: And this meter reader -- you know,  
11 Mr. Clayton has questions for the meter reader,  
12 so --

13 MR. CLAYTON: Thank you.

14 JUDGE HAYNES: -- is there any reason why the  
15 company would object to bringing in the meter  
16 reader?

17 MR. GOLDSTEIN: Not that I know of.

18 MR. CLAYTON: Like I said last time, as long as  
19 he's not intimidated, because he works for  
20 Commonwealth Edison. I don't want him to lose his  
21 job, but I want him to tell the truth.

22 JUDGE HAYNES: Well, you know, if he comes in, we

1     will swear him in --

2           MR. CLAYTON:   I'm serious.

3           JUDGE HAYNES:   -- and he will swear to tell the

4     truth.

5           MR. CLAYTON:   I know he told me -- every month

6     that he came I told him -- they said ain't nobody

7     came out.   I wrote to them, and nobody came out, and

8     then you tell me about this switch.   I wouldn't have

9     even known if you hadn't said it.

10          JUDGE HAYNES:   Also --

11          MR. GOLDSTEIN:   Which switch?

12          MR. CLAYTON:   The switch you said I don't have

13     ComEd.   You said I got somebody else supplying my

14     electric.   I had no idea of that.

15          MRS. CLAYTON:   I didn't either.

16          JUDGE HAYNES:   You know, she pointed it out on

17     your bill where it says who your electric supplier

18     is.   If you don't think that you switched to them --

19          MR. CLAYTON:   I know I didn't switch.

20          JUDGE HAYNES:   -- you have to call them, because

21     the only thing we are looking at here is what you

22     have with ComEd meter readings to you.

1           MR. CLAYTON: Well, I know I haven't used that  
2   amount of money whatever this new meter supplier  
3   is -- I mean, electric supplier is. So how could  
4   they add their bill?

5           JUDGE HAYNES: They bill you based on ComEd's  
6   meter readings. So if ComEd has read your meter  
7   wrong or something, that would get worked out  
8   differently, but if you didn't mean to switch to  
9   them, you call them, but it's not what we are going  
10  to address here.

11          MR. CLAYTON: Okay.

12          JUDGE HAYNES: So we will have an evidentiary  
13  hearing, bring your niece, bring your documents.

14                       ComEd, bring your meter reader.  
15  Beforehand make sure you supply Mr. Clayton with any  
16  records you have, especially people that have been  
17  out to his house, and if they put any notes in the  
18  system, and also it looks like there was a re-bill  
19  on his account right at about the time of it.

20          MR. GOLDSTEIN: We will have a witness for that  
21  also.

22          JUDGE HAYNES: Thank you.



1           MR. GOLDSTEIN: We will want to make it clear  
2           though that merely because a meter reader goes out  
3           to read the meter that does not generate something  
4           written into the system, because if that were to be  
5           the case, you would have 3 1/2 or 4 million notes in  
6           the system every single month through the year with  
7           all the customers that ComEd has.

8           MR. CLAYTON: Let me ask you something. When I  
9           sent the fax to Commonwealth Edison, why didn't they  
10          not check with the meter readers then?

11          MR. GOLDSTEIN: I don't believe they received the  
12          fax.

13          MS. GRAHAM: We don't have a record of those  
14          faxes.

15          MR. GOLDSTEIN: There's no record of that.

16          MR. CLAYTON: Convenient.

17          MR. GOLDSTEIN: We tried to explain to you why we  
18          believe we never received a fax and you may or may  
19          not agree with it.

20          MR. CLAYTON: I sent three. She sent one. So  
21          that's four faxes. How many do you say you  
22          received?

1           MR. GOLDSTEIN:  As of right now, we have none.

2           MR. CLAYTON:  See.  See.

3           MR. GOLDSTEIN:  None, zero.  But our records will

4           indicate how many contacts there have been between

5           you and ComEd.

6           MR. CLAYTON:  Well, I gave her the fax for it.  I

7           gave her that proof.

8           MR. GOLDSTEIN:  Well, you gave us the number,

9           yes.

10          MR. CLAYTON:  Well, they weren't false.

11          JUDGE HAYNES:  Make sure, Mr. Clayton, that you

12          bring copies of your bills for this whole period,

13          whatever you have --

14          MR. CLAYTON:  Okay.

15          JUDGE HAYNES:  -- for this period that you are

16          disputing the amount.

17          MR. CLAYTON:  Did you notice any rise in the

18          basement from the -- from when -- from the \$31 to

19          the other?  Did you note any of that?

20          JUDGE HAYNES:  Well, back through 2010, I thought

21          you said that you disconnected it and had it

22          switched.

1           MR. CLAYTON: I did disconnect it.

2           JUDGE HAYNES: And when did you have that

3 switched to your account?

4           MR. CLAYTON: It was already in my account. I

5 had the basement and the first floor.

6           JUDGE HAYNES: Okay. Did you have the meter

7 taken out?

8           MR. CLAYTON: No, I didn't have the meter taken

9 out. They disconnected it and put that little tag

10 on it so you couldn't use it.

11          JUDGE HAYNES: So I'm not -- I guess I'm not

12 understanding.

13          MR. CLAYTON: She was getting it from one way. I

14 believe she was stealing it from the basement. I

15 told you I was a contractor at the time. I'm

16 retired now. I was a contractor, so I would be out

17 of town a lot, so she would have access to the

18 basement, so I believe that she may have either

19 hooked it into my line from the second floor to the

20 first floor, and then after that, I had it shut off.

21 She started -- after they had disconnected the

22 electric on the second floor -- started turning it

1 back on again.

2 JUDGE HAYNES: I have a question for the company.

3 So Mr. Clayton says the basement was in his name and

4 that it was shut off.

5 MR. CLAYTON: That's absolutely correct.

6 JUDGE HAYNES: Was it his account, the basement?

7 MS. GRAHAM: I would have to check that.

8 JUDGE HAYNES: Because if it is, then he should

9 be provided this --

10 MS. GRAHAM: Okay.

11 JUDGE HAYNES: -- record.

12 MS. GRAHAM: I'll provide you with anything

13 that's your record before the next time we meet.

14 MR. CLAYTON: I've been there, and the basement

15 has been hooked up since 1978 in my name.

16 JUDGE HAYNES: Because there's no reason he

17 shouldn't see it if this was his and if it's been

18 inactive since then.

19 MS. GRAHAM: Sure.

20 MR. CLAYTON: I told the truth.

21 JUDGE HAYNES: And how long has -- Mr. Clayton

22 owns the building?

1       MR. CLAYTON:  Yes.  I bought it from my father in  
2       '78.

3       JUDGE HAYNES:  And so when was -- for the second  
4       floor, when was --

5       MR. CLAYTON:  I didn't live there in '78.

6       JUDGE HAYNES:  I'm sorry.  This is for the  
7       company.

8       MR. CLAYTON:  Okay.

9       JUDGE HAYNES:  I'm curious whether there's a  
10      customer of record right now on the second floor.

11      MS. GRAHAM:  No, because -- no.  That's why  
12      there's no activity statement because we keep  
13      activity statements for two years.

14      JUDGE HAYNES:  So why, as the owner of the  
15      building, can he not see what usage has been on the  
16      account?

17      MS. GRAHAM:  He can't see anybody else's account  
18      information.  So, I mean, if you want me to redact  
19      the account number or anything that relates to  
20      another account and another customer's information,  
21      I can do that and provide it, if you would like,  
22      but, generally speaking, the company doesn't, as a

1 rule, provide records that don't belong to the  
2 customer.

3 MR. CLAYTON: I would like to have full  
4 disclosure.

5 JUDGE HAYNES: And I'm also curious. Since when  
6 has there been no customer of record on the meter?

7 MS. GRAHAM: Okay.

8 JUDGE HAYNES: Because if nobody's living in  
9 the -- maybe I'm just not getting this.

10 MR. CLAYTON: You are getting it. You are  
11 getting it.

12 JUDGE HAYNES: If nobody's living on the second  
13 floor and you don't have a customer of record at  
14 least since there's been no customer of record, why  
15 can't he see if there's meter reads?

16 MS. GRAHAM: So what I will provide to him is  
17 basically what you are looking at, but I'll redact  
18 the customer number.

19 JUDGE HAYNES: I just don't see how --

20 MS. GRAHAM: That's fine.

21 JUDGE HAYNES: If you disagree with that --

22 MS. GRAHAM: No.

1 JUDGE HAYNES: -- let me know.

2 MR. GOLDSTEIN: What's the difference?

3 MS. GRAHAM: Yes. I don't -- I mean --

4 MR. CLAYTON: If they had just responded to my  
5 letters, my faxes, this would never have gotten to  
6 this point.

7 JUDGE HAYNES: And, you know --

8 MS. GRAHAM: And I guess, Mr. Clayton, I'm still  
9 a little bit confused about what you think exactly  
10 happened.

11 MR. CLAYTON: I know what happened.

12 MS. GRAHAM: I know, but I think -- I don't know  
13 if you are getting it. I'm a little confused about  
14 what you think happened with the second floor and  
15 how it relates to your account in any way.

16 MR. CLAYTON: If you would have read my letter,  
17 in that letter -- one of the letters -- I stated  
18 that one day I was taking out the garbage -- having  
19 been back in Chicago -- taking out the garbage and  
20 as I took out the garbage, I came back and I looked  
21 to my right and I seen somebody by the meter, and I  
22 looked and I seen it was my niece and it was another

1     guy with her.   So I asked her what are you doing.  
2     Oh, we're just doing the electric.   I said the  
3     electric is suppose to be off.   Don't mess with that  
4     electric, and that's how I found out what was going  
5     on.   I caught her.

6           MS. GRAHAM:   But let's assume, for the sake of  
7     argument, that your niece was stealing electricity  
8     from the company.   How does that relate to your  
9     account?

10          MR. CLAYTON:   Because they were charging me for  
11     it.   Let me ask you something.   The bill that was in  
12     the basement, what was that bill transfer to?  
13     Wasn't that transferred to my account or who was it  
14     transferred to?   Because I don't get bills for the  
15     basement.   I just get bills for the first floor now.  
16     I can give it back to you.

17                               (Document tendered.)

18                   I'm telling you the guy told me  
19     they're charging you for the electric.   They are  
20     charging you for the whole building.   He said I told  
21     them.   I told them.   He came out.   He was dutiful.  
22     He came out every month and read the meter.



1           MR. GOLDSTEIN:   So there's three meters in the  
2   building?

3           MR. CLAYTON:   Yes, basement, first and second.

4           MR. GOLDSTEIN:   What about hallway lights and  
5   stuff like that?

6           MR. CLAYTON:   That's in mine.   That's in mine on  
7   the first floor.

8           MR. GOLDSTEIN:   That's what I thought.

9           JUDGE HAYNES:   So does ComEd have a record when  
10   Mr. Clayton was switched to a different supplier?

11          MS. GRAHAM:    I mean, it was before --

12          MR. GOLDSTEIN:   Well, obviously, what we gave  
13   Mr. Clayton was the activity statement for two years  
14   going back to around August 2nd of 2013, and it  
15   shows that North American Power & Gas was the  
16   supplier at least on that date and forward.

17          JUDGE HAYNES:   Can I see the bills?

18          MR. GOLDSTEIN:   And the bills he provided us,  
19   Judge, this afternoon showed North American Power.

20          MR. CLAYTON:    And I never switched.   I never  
21   signed anything.

22          MS. GRAHAM:    Can you provide us with a copy of

1     the letter that you say you sent?

2           MR. CLAYTON:   What letter that I sent to who?

3           MR. GOLDSTEIN:   The fax.

4           JUDGE HAYNES:   The last time you were here -- you

5     were sitting right here -- I gave it to you then.

6           MS. GRAHAM:    You gave it to me to look at, but

7     could I have a copy to have?

8           MR. CLAYTON:    Which one?   I have mine, but I will

9     leave you a copy but I had three made up, remember?

10    Now what are you asking me for?

11          MS. GRAHAM:    You said you had a letter that

12    explained the situation that you wanted us to look

13    at.

14          MR. GRAHAM:    Okay.   I gave you several, because I

15    wrote three.   This is one.

16          MS. GRAHAM:    We have this.

17          MR. CLAYTON:    Okay.   You have the receipts.   You

18    have this one, too, where she tried to get her

19    daughter hooked up.   That's the date they came out

20    and turned it off.   She tried to put it in her name

21    and she sent that.

22          MR. GOLDSTEIN:   But that's at a different

1 address, wasn't it?

2 MR. CLAYTON: That was at that address.

3 MR. GOLDSTEIN: Oh, it was.

4 MS. GRAHAM: But this isn't the person that was  
5 on your account.

6 MR. CLAYTON: This is her daughter. She tried to  
7 use her daughter's name. She used her other  
8 daughter's name for the address I told you she's at  
9 now. The girl is a thief.

10 JUDGE HAYNES: I'm not going there. I would like  
11 the company to find out when it was actually  
12 switched to a different supplier.

13 MR. GOLDSTEIN: I'll see if we can do that. I'm  
14 not sure.

15 MR. CLAYTON: This is a mess. This is really a  
16 mess.

17 JUDGE HAYNES: Mr. Clayton, do you keep your  
18 bills going back really far?

19 MR. CLAYTON: If I can find them, I will bring  
20 them. Believe me.

21 MR. GOLDSTEIN: Do you have the bill that is  
22 prior to 2014 with you?

1           MR. CLAYTON: Look at the bills over there. What  
2 do those say?

3           JUDGE HAYNES: One of 14 and one of 15.

4           MR. GOLDSTEIN: Those are not the ones.

5           MR. CLAYTON: I will have to find them.

6           MR. GOLDSTEIN: Do you have a bill with you today  
7 that goes back say 2011 or 12?

8           MR. CLAYTON: Okay. Let me see what this says.  
9 What does that say? What's the year on that?

10          MS. GRAHAM: 2011.

11          MR. CLAYTON: Okay. That's one right there.

12          MS. GRAHAM: That's strictly ComEd.

13          MR. CLAYTON: I told you I have been telling the  
14 truth.

15          JUDGE HAYNES: Do you know what ComEd's fixed  
16 price is right now?

17          JUDGE CARDONI: It's 6.

18          JUDGE HAYNES: Six or seven cents.

19          MR. GOLDSTEIN: That's probably right.

20          JUDGE HAYNES: You are paying 13 cents per  
21 kilowatt-hour.

22          MR. CLAYTON: Is that high or low? I don't know.

1 JUDGE CARDONI: It's high.

2 MR. CLAYTON: I didn't ask for none of that.

3 This is a puzzle.

4 MR. GOLDSTEIN: That's the supply charge.

5 JUDGE HAYNES: Is the bill here? Have you only

6 been talking about ComEd's delivery charges?

7 MS. GRAHAM: The delivery charge. So, I mean, I

8 guess if he's -- that's why I keep trying to pin

9 down exactly what's going on and I'm a little

10 confused about the complaint, not because I'm saying

11 that you are saying anything that is untruthful.

12 I'm not trying to imply that. What I'm saying

13 is --

14 MR. CLAYTON: Thank you.

15 MS. GRAHAM: -- our records don't show the

16 connection that you seem to think there is between

17 the second and the first floor. If this is a high

18 bill complaint, that's a totally different thing or

19 maybe it's not. I'm just trying to figure out

20 exactly --

21 MR. CLAYTON: It's a high bill to me.

22 MS. GRAHAM: So if this is a high bill complaint,

1     that's a different thing than the second floor.

2           MR. CLAYTON:   I see what you are saying.

3           MR. GOLDSTEIN:   The issue is with Mr. Clayton's  
4     supplier, because the kilowatt charge there has  
5     nothing to do with how ComEd charges.   It has  
6     everything to do with how the supplier charges.

7           JUDGE HAYNES:   So since you were unaware you  
8     didn't have ComEd --

9           MR. CLAYTON:   Does it say ComEd at the top of  
10    that paper?   I'm thinking ComEd.   If you don't know,  
11    you don't know.

12          JUDGE HAYNES:   This may be an entirely different  
13    issue than what you raise in your complaint, and so  
14    I think you should call North American Power & Gas  
15    whose phone number is right here.

16          MR. CLAYTON:   Who switched me to them?

17          JUDGE HAYNES:   That's the question.

18          MR. CLAYTON:   I didn't.   I bet you won't find the  
19    number with my signature on it.

20          JUDGE HAYNES:   And that is a perfectly legitimate  
21    question, but it isn't the one you raise in your  
22    complaint and we don't have North American Power &

1 Gas here, so call them first thing.

2 MR. CLAYTON: I'm getting the runaround.

3 JUDGE HAYNES: No, you are not getting the

4 runaround, and because you don't have that -- that's

5 not in this complaint here. If you are confused, we

6 have our Consumer Service Division which I think you

7 started with before you came here to the formal

8 complaint, so that would be a good way to address

9 whether your problem is with North American Power &

10 Gas, not with ComEd.

11 MR. CLAYTON: Sounds like you are kicking this

12 down the road.

13 JUDGE HAYNES: I'm not. I want to help you --

14 MR. CLAYTON: I believe you.

15 JUDGE HAYNES: -- and I can't give you legal

16 advice, but if you call our Consumer Services

17 Division, they can help explain things more and then

18 we will find out if you need to have a complaint

19 against Northern American Power, not against ComEd.

20 I don't know.

21 MR. CLAYTON: Go ahead. I'm sorry.

22 JUDGE HAYNES: So I think that on your own you

1     should pursue that and then maybe they should come  
2     to a formal hearing.

3           MR. CLAYTON:   These people supposedly supplied  
4     me.

5           JUDGE HAYNES:   She doesn't have that information.  
6     So that's why I say call them, and if you call  
7     Consumer Services, Consumer Services will help you  
8     talk --

9           MR. CLAYTON:   It's on the bill?

10          JUDGE HAYNES:   It's on the bill.   Consumer  
11     Services will help you talk to those people.

12          MR. GOLDSTEIN:   And to answer your question, but  
13     not to completely answer it, we gave you the  
14     activity statement.   That activity statement goes  
15     back years.

16          MR. CLAYTON:   Okay.

17          MR. GOLDSTEIN:   At the start of the two-year  
18     period, it shows that that was North American Power,  
19     or whatever it is, was --

20          MS. GRAHAM:   Your supplier.

21          MR. GOLDSTEIN:   -- your supplier.

22                            Thank you.



1           MR. CLAYTON: I was not aware of it, and, like I  
2           say, I signed no papers with anyone else. I'm  
3           thinking I still have ComEd, so you told me  
4           something that I didn't know. I'm glad I found  
5           those bills today.

6           JUDGE HAYNES: So --

7           MR. GOLDSTEIN: If you could supply us with the  
8           one bill from 2011 --

9           MR. CLAYTON: Yes. I think she has it.

10          MS. GRAHAM: I gave it back.

11          MR. CLAYTON: Do you want me to make a copy of it  
12          or something?

13          MR. GOLDSTEIN: -- that shows at least that in  
14          2011 ComEd was your electric supplier.

15          MR. CLAYTON: Okay.

16          JUDGE HAYNES: So back to the actual complaint.  
17          I definitely want you to provide Mr. Clayton with a  
18          redacted --

19          MR. GOLDSTEIN: Sure.

20          JUDGE HAYNES: -- because I think it is  
21          interesting whether he had a tenant or not and the  
22          amount of usage for the second floor. If there's

1     somebody living there, then perhaps that doesn't  
2     make sense with the amount of usage shown on the  
3     second floor here.

4           MS. GRAHAM:   I may be able to get -- I may.   I  
5     don't know for sure, but I might be able to get a  
6     date at which that account closed as well.

7           JUDGE HAYNES:   Because I'm not seeing why he owns  
8     a building, nobody's living there but him, then why  
9     those records --

10          MR. CLAYTON:   If it shows no usage, then that  
11     proves what the meter reader told me that they were  
12     charging me for the meter.

13          JUDGE HAYNES:   But that --

14          MR. CLAYTON:   That proves it.

15          JUDGE HAYNES:   -- may be an issue between you and  
16     your niece.

17          MR. CLAYTON:   They were still there.   Who was the  
18     bill going to for the second floor?

19          MR. GOLDSTEIN:   There is no bill.

20          JUDGE HAYNES:   Right.

21          MR. GOLDSTEIN:   There wasn't a bill.   That's the  
22     problem.

1 JUDGE HAYNES: So make sure you get that to him  
2 soon.

3 MS. GRAHAM: Okay.

4 JUDGE HAYNES: And how long till we want to come  
5 back and have an evidentiary hearing? I don't think  
6 there's any point of us getting together again,  
7 unless, you know, if you could let me know if we  
8 should have another status hearing, but all I see we  
9 should go to evidentiary.

10 MR. CLAYTON: Well, when I come back, I will make  
11 sure I have her daughter who was living with her at  
12 that particular time to prove what I was saying that  
13 she was stealing the electric. You caught me off  
14 guard. I had no idea that they had been switched.  
15 I had no idea.

16 JUDGE HAYNES: So that might be what the issue  
17 is.

18 MR. CLAYTON: I would like to have the meter  
19 reader here the next time.

20 JUDGE HAYNES: They said they would bring him for  
21 the evidentiary.

22 MR. CLAYTON: So long as he's not intimidated.

1     Black folks need their jobs.  Everybody needs jobs.

2           MR. GOLDSTEIN:  We need to go into September.

3     I'm jammed in August.

4           MS. GRAHAM:  Yes.  Day and time that works best

5     for you.

6           MR. CLAYTON:  Talk to her.  Talk to my wife.

7     She's good at that.

8           MRS. CLAYTON:  Not really.  I wonder September.

9     Pick a date.  We will see if that's a good date and

10    we'll go from there.

11          JUDGE HAYNES:  How about late September?

12          MRS. CLAYTON:  Mid-September?  Late September?

13          JUDGE HAYNES:  Give you a chance to follow up on

14    the North American thing.

15          MRS. CLAYTON:  Would you have late September?

16          MS. GRAHAM:  Could we do the 24th?

17          MRS. CLAYTON:  24th?

18          MR. CLAYTON:  What day is that?

19          MRS. CLAYTON:  That's a Thursday --

20          MR. CLAYTON:  Around the same time?

21          MRS. CLAYTON:  -- because that's four days after

22    my birthday.  That's how I know it's on a Thursday.

1 JUDGE HAYNES: The 24th we have 11 o'clock.

2 MR. GOLDSTEIN: Wait. Yes.

3 MS. GRAHAM: You are right. Does a Wednesday

4 work? Could you do the 23rd?

5 MR. CLAYTON: That would be fine at 11.

6 MR. GOLDSTEIN: I can't do it.

7 JUDGE CARDONI: You can't do that day.

8 MR. GOLDSTEIN: That's Yom Kippur.

9 MRS. CLAYTON: I'm sorry.

10 MS. GRAHAM: Mark, what's a date that works for

11 you?

12 MRS. CLAYTON: What day works for you?

13 MR. GOLDSTEIN: I have to repent on all my sins

14 that day.

15 MRS. CLAYTON: Okay. We all understand that.

16 What works for you?

17 MR. GOLDSTEIN: The 29th, the 30th of September,

18 October 1st. Any day that week.

19 JUDGE HAYNES: How about September 29th?

20 MRS. CLAYTON: What day is that?

21 MR. GOLDSTEIN: That's a Tuesday.

22 MRS. CLAYTON: September what?

1 MS. GRAHAM: 29th.

2 MRS. CLAYTON: My pen stopped writing. Okay.

3 JUDGE HAYNES: At 11 o'clock?

4 MRS. CLAYTON: Here, I have got a pen. September  
5 29th?

6 MR. CLAYTON: At what time?

7 MRS. CLAYTON: Did you say 11?

8 JUDGE HAYNES: 11.

9 MRS. CLAYTON: Okay. Scratch out these other  
10 dates in September.

11 MR. CLAYTON: I didn't even know it had been  
12 switched to somebody else.

13 MRS. CLAYTON: I had no idea.

14 MR. CLAYTON: A whole lot of underlying stuff  
15 going on here.

16 MRS. CLAYTON: This is like they say Greek to me.

17 MR. CLAYTON: Devious stuff going on.

18 JUDGE HAYNES: Okay. So I think that's all we  
19 need to put on the record, right?

20 MRS. CLAYTON: I really think --

21 JUDGE HAYNES: So continued to September 29th at  
22 11 o'clock.

1           MR. CLAYTON:   Okay.   That will be fine.   That  
2   will be fine.

3           JUDGE HAYNES:   We are off the record.

4                               (Whereupon, the above matter  
5                               was adjourned, to be  
6                               continued to September 29,  
7                               2015 at 11 a.m.)

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